

Notice of Allowability

Application No.

10/671,567

Examiner

Chuck Huynh

Applicant(s)

SHIOTA ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2005.
2. ☒ The allowed claim(s) is/are 1,3,4,6-8,10-13 and 15-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. Claims 2, 5, 9, and 14 are canceled.
2. Claims 18-21 are new.
3. Claims 1, 3, 4, 6, 7, 8, 10-13, 15-21 are allowed.

Allowable Subject Matter

1. Claims 1, 3, 4, 6, 7, 8, 10-13, and 15-21 are allowed.

Claims 1, 4, 8, and 13 are allowable because no prior arts at this point can completely encompass all of the claims' limitations.

Claim 1 states:

A computer apparatus having a wireless LAN (Local Area Network) connecting unit for connection with a wireless LAN, the computer apparatus comprising:

a GPS (Global Positioning System) receiver responsive to a GPS signal for producing current position data representative of a current position of the computer apparatus; and

an area data output unit responsive to the current position data for producing specific area data representative of a specific area including the current position;

the wireless LAN connecting unit being preliminarily given a plurality of wireless

LAN communication modes corresponding to a plurality of area data, respectively, the wireless LAN connecting unit being responsive to the specific area data for automatically setting, as a selected communication mode, one of the wireless LAN communication modes which corresponds to the specific area data, thereby carrying out transmission/reception via the wireless LAN in the selected communication mode:

wherein:

each of the wireless LAN communication modes corresponding to the area data is determined by a specific radio frequency channel and a specific transmit power level used in an area represented by the area data corresponding thereto:

the wireless LAN connecting unit carrying out transmission/reception via the wireless LAN by the use of the specific radio frequency channel and the specific transmit power level which determine the selected communication mode.

Furthermore, Examiner agrees that the features of claim 2 which have been incorporated into claim 1, on the other hand, are directed to a computer apparatus in which each separate specific area data is provided with a specific radio frequency channel and a transmit power level. Prior art previously presented, Chrystie, on the other hand, teaches the use of multiple RF channels for one specific area data (e.g., for a radio base station cell), and thus Chrystie teaches away from the features of claim 2. Furthermore, the Office Action asserts that column 2, lines 7-17 and 27-44 of Chrystie describes a system in which a transmit power level is determined for a selected area.

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Applicant respectfully disagrees. In particular, column 2, lines 27-44 of Chrystie describes a cellular radio base station system in which a plurality of RF transceivers are provided at a same location (e.g., a same area). Each of the RF transceivers can have its power level adjusted, but this seems to be for automatic gain control purposes. Also, like the discussion provided above, Chrystie actually teaches away from using a single transmit power level at a specific area, since Chrystie's plurality of RF transceivers provided at a single area presumably output signals at differing transmit power levels.

Therefore, for the reasons given above, and since the other cited art of record do not make up for the above-mentioned deficiencies of Chrystie, claim 1 is patentable over the cited art of record. Claims 4, 8, and 13 are allowable for similar reasons.

Claims 3, 6, 7, 10-12, 15-21 are allowed for their dependence on allowable claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Huynh



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